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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,975	09/30/2003	Janice Marie Girouard	AUS920030602US1	4962
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IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380				
EXAMINER				
STANLEY, MARK P				
ART UNIT		PAPER NUMBER		
2623				
NOTIFICATION DATE		DELIVERY MODE		
08/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

Office Action Summary

Application No.

10/674,975

Applicant(s)

GIROUARD ET AL.

Examiner

MARK P. STANLEY

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Miscellaneous

1. Please note that the examiner of record for this application has changed.
2. This action is in response to the amendment filed on 5/15/2008.
3. Claims 1-7 and 23-25 are pending in the application. Claims 1, 3, 6, and 25 have been amended.

Response to Arguments

4. Applicant's arguments filed 5/15/2008 with respect to claims 1-7 and 23-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-7, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Dimitrova et al. (US 2002/0147782 hereinafter Dimitrova).

Regarding claim 1, Dimitrova discloses “a method in a data processing system for processing multimedia program data, the method comprising:” ([0026]-[0027], Fig. 1)

“identifying text in subtitles in the multimedia program data to generate a set of text;” ([0017], [0038], [0040], Fig. 3 item 240, a transcript is generated using data based on analysis of received closed captioning information)

“analyzing the set of text to obtain a rating;” ([0018]-[0019], [0050], Fig. 3 item 250, obtaining a ranking based on transcript)

“identifying a video portion of the multimedia program data that should be altered based on the rating obtained from the set of text to form an identified portion; and” ([0051], Fig. 3 item 280, identifying corresponding segments with obtained ranking)

“altering the identified portion” ([0019], [0052]-[0053], [0055], Fig. 3 item 290, removing/substituting identified segments based on obtained ranking).

Regarding claim 3, Dimitrova discloses “the method of claim 1, wherein the video portion of the multimedia program data includes a video component and an audio component and wherein the identified portion is altered by blanking at least one of the video portion and the audio portion” ([0055]).

Regarding claim 4, Dimitrova discloses “the method of claim 1, wherein the analyzing step includes: performing baysean filtering on the set of text” ([0046] Bayesian networks for use in filter determination).

Regarding claim 5, Dimitrova discloses "the method of claim 1 further comprising:

decoding the multimedia program data prior to initiating identifying text; and"
([0038], Fig. 3 item 240)
"re-encoding the multimedia program data after altering the identified portion"
([0026]).

Regarding claim 6, Dimitrova discloses "the method of claim 1, wherein the video portion of the multimedia program data is one of a frame or a group of frames"
([0037]-[0038], [0054]).

Regarding claim 7, Dimitrova discloses "the method of claim 1, wherein the multimedia program is a movie" ([0026], [0056]).

Regarding claim 23, Dimitrova discloses "the method of claim 1, wherein the rating comprises at least one of G, PG, PG- 13, and R" ([0053], [0056], where Dimitrova states multiple ratings level where when a segment is determined to pass a threshold for the set rating level the segment is filtered in some way, and the corresponding rating is based on an appropriateness of content for audience viewers where viewers may be for instance children, teenager, or adults thus the rating used by Dimitrova essentially performs as that of the G, PG, PG-13, and R rating but in a more robust fashion).

Regarding claim 24, Dimitrova discloses "the method of claim 1, wherein the rating is determined based on information that is configured by a user, wherein the user is a person who is consuming the multimedia program" ([0028]-[0030], [0053]).

Regarding claim 25, Dimitrova discloses "the method of claim 1, wherein the step of identifying the video portion of the multimedia program data that should be altered based on the rating to form the identified portion comprises of comparing the rating to a user selected preference" ([0028]-[0030], [0053]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitrova et al. (US 2002/0147782 hereinafter Dimitrova) as applied to claim 1 above and in view of Gonzales et al. (US 2003/0216922 hereinafter Gonzales).

Regarding claim 2, Dimitrova discloses the method of claim 1 as described above, but while Dimitrova teaches extracting raw textual information from closed caption information for creating a transcript to obtain rankings to determine filtering of identified content portions, Dimitrova does not explicitly state the use of optical character recognition, hereinafter OCR, for using with the closed caption information for

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creating a transcript. However, Gonzales teaches the use of OCR multimedia data provided with textual information such as subtitles, closed captioning, or teletext, for the purpose of obtaining a transcript to perform various forms of analysis of multimedia data via obtained transcript ([0026]-[0027], [0032], Fig. 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Dimitrova for performing filtering of identified multimedia content portions based on analysis of closed captioning textual information provided with the multimedia content with the teachings of Gonzales for performing set actions on identified multimedia content portions based on analysis of textual information provided with the multimedia content through OCR. One would have been motivated to do so, for of obtaining textual information provided with multimedia via a widely known method OCR to perform analysis and actions on the corresponding multimedia portion.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK P. STANLEY whose telephone number is (571)270-3757. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark P Stanley/
Examiner, Art Unit 2623

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623